

CLASSIFICATION OFFICE DECISION

Title of publication: 21

Other known title(s): Not stated

OFLC ref: 1700567.004

Medium: Computer Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Commissioner of Police

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 26 October 2017

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 26 October 2017

Summary of reasons for decision:

The computer image file is a sexualised photograph of a young man. The subject has a youthful appearance, but it cannot unequivocally be said he is a young person in terms of s3(2)(a) of the Films, Videos, and Publications Act 1993 (FVPC Act) – the section concerned with the sexual exploitation of children and young persons – nor is there anything about the image that indicates he is intended to be viewed as a young person. There is also nothing overtly exploitative about the image. Due to these factors it would not be reasonable to determine that the image promotes or supports, or tends to, the exploitation of young persons for sexual purposes. However, the image depicts explicit sexualised nudity, which is clearly intended for the purpose of sexual arousal and gratification. Exposure to such material is likely to adversely affect the development of impressionable children and teenagers who are still in the process of forming sexual attitudes and behaviours. As such a restriction to adults is necessary. This is a reasonable limit on the right to freedom of expression as contained in the New Zealand Bill of Rights Act 1990.